

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LEIGH A. HARLEY,

Plaintiff,

vs.

Civ. No. 97-868 MV/WWD

STAFFING RESOURCES, INC.,
RESOURCES MFG, and PRO DRIVERS, INC.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff's Motion for Protective Order filed April 13, 1998. The question was presented on an accelerated basis.

Counsel for Defendants served a subpoena¹ on Lovelace Health Systems directing them to produce various medical, psychiatric, and psychological reports and records from two doctors. The subpoena was served after Plaintiff had declined to produce medical records in response to a request for production. At her deposition, Plaintiff identified certain physicians who had treated her. Plaintiff's counsel apparently did not respond to Defendants' request for a consent form which would allow Lovelace Health Systems to release Plaintiff's medical records. The subpoena(s) which is being questioned here followed. Under the circumstances here presented,

¹No copy of the subpoena or subpoenas was submitted. I am not sure whether more than one subpoena was served. My Order applies to all subpoenas served on Lovelace by Defendants in connection with this cause.

including the questionable interactions between counsel, I find that the only fair way to proceed is to make an *in camera* inspection of the records in question.

WHEREFORE,

IT IS ORDERED that on or before April 24, 1998, all of the records (or legible copies thereof) called for in the subpoena(s) served on Lovelace Health Systems or doctors employed by Lovelace Health Systems in connection with this cause be delivered to the undersigned at Room 10411, 500 Gold, SW, Albuquerque, New Mexico.


UNITED STATES MAGISTRATE JUDGE